

4. On March 11, 2009, the Senate voted to set Senate Bill 362, and no other bill, for special order. The vote on this special order was 19-12. All 8 ethnic minority Senators voted against this motion.

5. On March 17th, the Senate took up Senate Bill 362 on second reading, as a special order. The vote on this legislation was 19-12. All 8 ethnic minority Senators voted against this motion.

6. On March 18th, the Senate took up Senate Bill 362 on third reading. The vote on this legislation was 19-12. All 8 ethnic minority Senators voted against this legislation.

7. To date, there have been no other opportunities during the 81st Regular Legislative Session in which members of the Senate had the opportunity to vote on legislation relating to voter identification, other than the ones listed above; and

8. Of all the opportunities members of the Senate have had to vote on voter identification legislation, or Senate process regarding voter identification legislation, no Senator who is an ethnic minority has voted in favor of such legislation or the process related to such legislation.

WEST	URESTI
ELLIS	VAN DE PUTTE
GALLEGOS	WATSON
LUCIO	WHITMIRE
SHAPLEIGH	ZAFFIRINI

#### SENATE BILL 52 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 52** at this time on its second reading:

**SB 52**, Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### SENATE BILL 52 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 52** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yea: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nay: Seliger, Wentworth.

#### Reason for Vote

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 52**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 52** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Seliger.

#### COMMITTEE SUBSTITUTE SENATE BILL 445 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 445** at this time on its second reading:

**CSSB 445**, Relating to juror questions and juror note-taking during civil trials.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 90 ON THIRD READING

On motion of Senator Van de Putte and by unanimous consent, the regular order of business was suspended to take up for consideration **CSSB 90** at this time on its third reading and final passage:

**CSSB 90**, Relating to adoption of the Interstate Compact on Educational Opportunity for Military Children.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 434 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **CSSB 434** at this time on its second reading:

**CSSB 434**, Relating to the establishment and operation of a motor-bus-only lane pilot program in certain counties.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 434**, on page 1, line 20 as follows:

- (1) Strike ", and Williamson"; and
- (2) Insert "and" between "El Paso," and "Travis".

The amendment to **CSSB 434** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSSB 434** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 987 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 987** at this time on its second reading:

**SB 987**, Relating to the age at which transition planning begins for a public school student receiving special education services.

The bill was read second time and was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment.

**SENATE BILL 987 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 987** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **SB 987**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **SB 987** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 555 ON SECOND READING**

Senator Duncan moved to suspend the regular order of business to take up for consideration **CSSB 555** at this time on its second reading:

**CSSB 555**, Relating to indemnification provisions in construction contracts.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

The bill was read second time and was passed to engrossment by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 555 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 555** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Nays: Nichols, Wentworth.

**Reason for Vote**

Senator Wentworth submitted the following reason for vote on suspension of the Constitutional Three-day Rule:

I cast a "No" vote on the procedural motion to suspend the Constitutional Rule requiring that bills be read on three several days in order to take up and consider **CSSB 555**, because in my judgment no circumstance exists in this case to justify the extraordinary act of suspending a requirement of the Texas Constitution. The suspension of this Constitutional Rule has the direct and immediate effect of denying the people of Texas knowledge and notice of the passage of this measure until it has already been finally passed on third reading. Were we to have followed the requirement of the Texas Constitution, third reading and a vote on **CSSB 555** would have occurred on the next legislative day, allowing for Texans to have learned through news reports of our second reading vote exactly what we had tentatively passed. Third reading and a vote on the next legislative day would also have allowed our professional staff an opportunity overnight to make sure any amendments passed on second reading are technically correct.

/s/Jeff Wentworth  
Senator, District 25

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Nichols.

**COMMITTEE SUBSTITUTE**  
**SENATE BILL 188 ON SECOND READING**

Senator Deuell moved to suspend the regular order of business to take up for consideration **CSSB 188** at this time on its second reading:

**CSSB 188**, Relating to disease control programs to reduce the risk of certain communicable diseases.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Gallegos, Harris, Hegar, Hinojosa, Lucio, Nelson, Nichols, Seliger, Shapleigh, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Zaffirini.

Nays: Estes, Fraser, Huffman, Ogden, Patrick, Shapiro, Williams.

Absent: Jackson.

The bill was read second time and was passed to engrossment by the following vote: Yeas 23, Nays 7. (Same as previous roll call)

**SENATE BILLS ON FIRST READING**

The following bills, filed on or before Friday, March 13, 2009, were introduced, read first time, and referred to the committees indicated:

**SB 6** by Duncan, Nelson

Relating to the creation of the Healthy Texas Program.

To Committee on State Affairs.

**SB 7** by Nelson

Relating to strategies for and improvements in quality of health care and care management provided through health care facilities and through the child health plan and medical assistance programs designed to improve health outcomes.

To Committee on Health and Human Services.

**SB 14** by Fraser

Relating to the operation of the Texas Windstorm Insurance Association and the Texas FAIR Plan Association.

To Committee on Business and Commerce.

**SB 19** by Patrick

Relating to the computation of the franchise tax.

To Committee on Finance.

**SB 20** by Williams

Relating to ad valorem taxation.

To Committee on Finance.

**NOTICE GIVEN FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Williams announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:00 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Criminal Justice might meet today.

**SENATE RULE 11.10(a) SUSPENDED  
(Public Notice of Committee Meetings)**

On motion of Senator Fraser and by unanimous consent, Senate Rule 11.10(a) was suspended in order that the Committee on Business and Commerce might meet today.

**SENATE BILL 1165 REREFERRED**

Senator Carona submitted a Motion In Writing requesting that **SB 1165** be withdrawn from the Committee on Criminal Justice and rereferred to the Committee on Transportation and Homeland Security.

The Motion In Writing prevailed without objection.

**MOTION TO ADJOURN**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:34 p.m. agreed to adjourn, in memory of Ana Maria Bujanos of Brownsville and Rebecca Pemelton and Roger G. Burns of Harlingen, upon conclusion of the Local and Uncontested Calendar Session, until 10:00 a.m. tomorrow.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 448** by Davis, Extending condolences to the staff of the Fort Worth Zoo on the occasion of the death of Kambula the gorilla.

**SR 449** by Davis, In memory of George Allen Crowley.

**SR 450** by Davis, In memory of David John Barker of Fort Worth.

**SR 451** by Davis, In memory of Jack Quarles Whitley of Burleson.

**SR 452** by Davis, In memory of James "Buck" Hubbard of Granbury.

**SR 456** by Lucio, In memory of Simon Salinas of Willacy County.

**SR 461** by Huffman, In memory of Douley Ray Graham of Gardendale.

**SR 464** by Deuell, In memory of Johnny Freelen of Grand Saline.

**Congratulatory Resolutions**

**SR 378** by Ogden and Deuell, Congratulating Rebecca Robinson for being named Miss Texas 2008.

**SR 453** by Davis, Recognizing the Chess Club of Lake Country Christian School in Fort Worth for its success in the Region II tournament.

**SR 455** by Lucio, Commending Joe Kenney for his contributions to the Brownsville community.

**SR 457** by Nelson and Deuell, Congratulating Sydney Capello for being named Miss Teen Texas 2008.

**SR 458** by Hinojosa, Recognizing the mariachi program developed in the La Joya schools.

**SR 459** by Hinojosa, Congratulating Ishan Kamat for winning a state academic decathlon competition.

**SR 462** by Huffman, Recognizing Jack E. Thompson on the occasion of his retirement from the Harris County district courts.

**HCR 36** (Nelson), Commending all those in Denton County who participated in the emergency response to Hurricane Ike.

**HCR 98** (Watson), Commending Michael William Heskett for his 26 years of service to the Texas State Library and Archives Commission.

#### Official Designation Resolutions

**SR 454** by Seliger, Recognizing March 25, 2009, as Big Spring Area Day at the State Capitol.

**SR 460** by West, Recognizing June 11, 2009, as Texas Health Steps Provider Appreciation Day in Grand Prairie.

**SR 463** by Hegar, Recognizing March 24, 2009, as Jackson County Day at the State Capitol.

#### RECESS

On motion of Senator Whitmire, the Senate at 1:35 p.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Calendar Session.

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#### APPENDIX

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#### COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

March 18, 2009

GOVERNMENT ORGANIZATION — **SB 745, SB 833, SB 1001, SB 1003, SB 1004**

ECONOMIC DEVELOPMENT — **CSSB 500**

BUSINESS AND COMMERCE — **SB 529, SB 711**

#### BILLS ENGROSSED

March 17, 2009

**SB 33, SB 93, SB 189**

#### RESOLUTIONS ENROLLED

March 17, 2009

**SR 324, SR 394, SR 442, SR 443, SR 444**